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100TH CONGRESS
1ST SESSION

H. R. 3036

To provide redress for crimes committed by diplomats in the United States, and
for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 28, 1987

Mr. SOLARZ (for himself, Mr. GILMAN, Mr. MICA, and Ms. SNOWE) introduced
the following bill; which was referred jointly to the Committees on Foreign
Affairs and the Judiciary

A BILL

To provide redress for crimes committed by diplomats in the
United States, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Revision of Diplomatic
5 Privileges and Immunities Act".

6 **SEC. 2. COMPENSATION FOR VICTIMS OF CRIMES COMMITTED**

7 **BY DIPLOMATS.**

8 (a) **PROGRAM REQUIREMENT.**—Section 1403(b) of the
9 Victims of Crime Act of 1984 (42 U.S.C. 10602(b)) is
10 amended—

1 (1) by striking out "and" at the end of paragraph
2 (5);

3 (2) by redesignating paragraph (6) as paragraph
4 (7); and

5 (3) by inserting after paragraph (5) the following:

6 "(6) such program, as to compensable crimes oc-
7 ccurring within the State, makes compensation awards
8 to victims of such crimes reasonably believed to have
9 been committed by individuals with immunity from
10 criminal jurisdiction under the Vienna Convention on
11 Diplomatic Relations (TIAS Numbered 7502; 23 UST
12 3227) on the same basis as crimes committed by other
13 individuals; and".

14 (b) **EFFECTIVE DATE.**—The amendment made by sub-
15 section (a) shall apply with respect to the first fiscal year
16 beginning after the date of enactment of this Act.

17 **SEC. 3. CRIMES COMMITTED BY DIPLOMATS.**

18 Title II of the State Department Basic Authorities Act
19 of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the
20 "Foreign Missions Act") is amended by inserting after sec-
21 tion 204A the following:

22 **"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.**

23 "(a) **RECORDS.**—(1) The Director shall develop and
24 maintain records on each incident in which an individual with
25 immunity from the criminal jurisdiction of the United States

1 under the Vienna Convention who the Director reasonably
2 believes has committed a serious criminal offense within the
3 United States. Each such record shall include—

4 “(A) the identity of such individual;

5 “(B) the nature of the offense committed by such
6 individual, including whether against property or
7 persons;

8 “(C) whether such offense involved reckless driv-
9 ing or driving while intoxicated; and

10 “(D) the number and nature of all other criminal
11 offenses committed in the United States by such
12 individual.

13 “(2) The Director shall submit an annual report to the
14 Congress on the incidents occurring during the preceding
15 year. The report shall include the information maintained
16 under paragraph (1).

17 “(b) EDUCATION AND ENCOURAGEMENT OF LOCAL
18 LAW ENFORCEMENT INDIVIDUALS.—The Director shall
19 take such steps as may be necessary—

20 “(1) to educate local law enforcement officials on
21 the extent of the immunity from criminal jurisdiction
22 provided to members of a foreign mission, and family
23 members of such members, under the Vienna Conven-
24 tion; and

1 “(2) to encourage local law enforcement officials
2 to fully investigate, charge, and prosecute, to the
3 extent consistent with immunity from criminal jurisdic-
4 tion under the Vienna Convention, any member of a
5 foreign mission, and any family member of such a
6 member, who commits a serious criminal offense within
7 the United States.

8 “(c) INTERFERENCE WITH LOCAL PROSECUTIONS.—

9 “(1) No officer or employee of the Department of
10 State may interfere with any investigation, charge, or
11 prosecution by a State or local government of—

12 “(A) an alien who is a member of a foreign
13 mission,

14 “(B) a family member of an alien described
15 in subparagraph (A), or

16 “(C) any other alien,
17 not covered by immunity from the criminal jurisdiction
18 of the United States under the Vienna Convention.

19 “(2) The Secretary may waive paragraph (1) with
20 respect to an individual if the Secretary determines,
21 and reports to the Committee on Foreign Affairs of the
22 House of Representatives and the Committee on For-
23 eign Relations of the Senate within 30 days after each
24 such waiver, that such a waiver is required by extraor-

1 dinary foreign policy considerations or the national
2 security.

3 “(d) NOTIFICATION OF DIPLOMATIC CORPS.—The Di-
4 rector shall notify the members of each foreign mission of
5 United States policies relating to criminal offenses (particu-
6 larly crimes of violence) committed by such members, and the
7 family members of such members, including the policy of ob-
8 taining criminal indictments, requiring such members to leave
9 the country, and declaring such members persona non grata.

10 “(e) VIENNA CONVENTION.—For the purposes of this
11 section, the term ‘Vienna Convention’ means the Vienna
12 Convention on Diplomatic Relations of April 18, 1961 (TIAS
13 numbered 7502; 23 UST 3227), entered into force with re-
14 spect to the United States on December 13, 1972.”.

15 SEC. 4. REGISTRATION AND DEPARTURE PROCEDURES FOR
16 INDIVIDUALS WITH DIPLOMATIC IMMUNITY.

17 Section 210 of the State Department Basic Authorities
18 Act of 1956 (22 U.S.C. 4310) is amended—

19 (1) by inserting “(a)” after “Sec. 210.”; and

20 (2) by adding at the end thereof the following:

21 “(b) The Director shall develop and implement registra-
22 tion and departure procedures for members of foreign mis-
23 sions, and the family members of such members, in order to
24 identify those individuals in the United States with immunity

1 under the Vienna Convention on Diplomatic Relations of
2 April 18, 1961 (TIAS numbered 7502; 23 UST 3227).”.

3 SEC. 5. WAIVER OF DIPLOMATIC IMMUNITY WHEN CHARGED
4 WITH A SERIOUS CRIME.

5 (a) WAIVER.—It is the sense of Congress that when an
6 individual who is immune from the criminal jurisdiction of the
7 United States under the Vienna Convention on Diplomatic
8 Relations is charged with a serious criminal offense (particu-
9 larly a crime of violence), Secretary of State should request
10 that the country such individual represents—

11 (1) waive the immunity of that individual, or

12 (2) require that individual to leave the United
13 States.

14 (b) COMMUNICATION TO IMMIGRATION AND NATU-
15 RALIZATION SERVICE.—The Secretary of State shall notify
16 the Commissioner of the Immigration and Naturalization
17 Service of each individual who voluntarily leaves, or is asked
18 to leave, the United States because of that individual's al-
19 leged involvement in a serious crime in order to prevent that
20 person from reentering the United States.

21 (c) EXCLUSION OF ALIENS PREVIOUSLY INVOLVED IN
22 SERIOUS CRIMES COMMITTED IN THE UNITED STATES.—
23 Section 212(a) of the Immigration and Nationality Act (8
24 U.S.C. 1182(a)) is amended—

1 (1) by striking out the period at the end of para-
2 graph (33) and inserting in lieu thereof “; and”; and

3 (2) by adding after paragraph (33) the following
4 new paragraph:

5 “(34) Any alien with respect to whom the Secretary of
6 State has notified the Commissioner of the Immigration and
7 Nationality Service under section 5(b) of the Revision of Dip-
8 lomatic Privileges and Immunities Act because of that alien’s
9 alleged involvement in a serious crime, except that such alien
10 may be admitted to the United States—

11 “(A) with respect to any proceeding regarding
12 such crime, or

13 “(B) if the Attorney General, in consultation with
14 the Secretary of State, determines that admitting such
15 individual into the United States is in the national
16 interest.”.

17 SEC. 6. REVIEW OF UNITED STATES POLICY ON DIPLOMATIC
18 IMMUNITY.

19 The Secretary of State shall review the policy of the
20 United States of providing privileges and immunities to for-
21 eign missions, the members of the mission, their families, the
22 diplomatic couriers, and others which result in treatment
23 which is more favorable than the treatment required to be
24 provided under the Vienna Convention on Diplomatic Rela-
25 tions. Within 180 days after the date of enactment of this

1 Act, the Secretary shall submit to the Congress recommenda-
2 tions—

3 (1) for such changes as may be necessary in such
4 United States policy so that such privileges and immu-
5 nities do not exceed United States treaty obligations;
6 and

7 (2) to promote the observance by foreign missions,
8 the members of the mission, their families, the diplo-
9 matic couriers, and others of United States law.

10 SEC. 7. REVIEW OF PROCEDURES FOR ISSUING VISAS TO DIP-
11 LOMATS TO THE UNITED STATES AND THE
12 UNITED NATIONS.

13 In order to ensure conformity with the treatment ac-
14 corded to United States diplomats by other countries, the At-
15 torney General, in consultation with the Secretary of State,
16 shall review the procedures, and make such changes in the
17 procedures as may be necessary, for issuing nonimmigrant
18 visas to the aliens described in subparagraphs (A) and (G) of
19 section 101(a)(15) of the Immigration and Nationality Act (8
20 U.S.C. 1101(a)(15)). Within 1 year after the date of enact-
21 ment of this Act, the Attorney General shall submit a report
22 to the Congress on the results of such review and describing
23 the changes, if any, made in such procedures.

1 SEC. 8. MINIMUM INSURANCE COVERAGE.

2 Section 6(b) of the Diplomatic Relations Act (22 U.S.C.
3 254c(b)) is amended by adding at the end the following new
4 sentence: "Such requirements shall provide that the mini-
5 mum amount of insurance carried for injury resulting from
6 the operation of any motor vehicle, vessel, or aircraft is
7 \$1,000,000 per incident."

8 SEC. 9. LIABILITY INSURANCE TO BE CARRIED BY DIPLO-
9 MATIC MISSIONS.

10 (a) REQUIREMENT.—Section 6 of the Diplomatic Rela-
11 tions Act (22 U.S.C. 254c) is amended by adding at the end
12 thereof the following new subsection:

13 "(d) The Director of the Office of Foreign Missions
14 shall, by regulation, establish, and take such steps as he
15 deems necessary to ensure compliance with, liability insur-
16 ance requirements which can reasonably be expected to
17 afford adequate compensation for injury to person or property
18 resulting from or arising out of the activities of a mission,
19 members of the mission and their families, and individuals
20 described in section 19 of the Convention on Privileges and
21 Immunities of the United Nations of February 13, 1946,
22 other than liability relating to risks described in subsection
23 (b)."

24 (b) CONFORMING AMENDMENT.—Subsection (a) of such
25 section is amended by striking out "subsection (b)" and in-
26 serting in lieu thereof "subsections (b) and (d)".

1 SEC. 10. DIPLOMATIC POUCHES.

2 The President shall—

3 (1) review the treatment accorded to diplomatic
4 pouches under the Vienna Convention on Diplomatic
5 Relations of April 18, 1961 (TIAS numbered 7502; 23
6 UST 3227) in order to preclude the use of diplomatic
7 pouches for the transportation of unauthorized materi-
8 als, particularly those used to foster terrorism; and

9 (2) seek in every appropriate forum the adoption
10 of measures which will ensure that diplomatic pouches
11 are not used to smuggle illicit narcotics, explosives,
12 weapons, and any material used to foster terrorism.

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